

REMARKS / ARGUMENTS

The Title of the specification is amended in view of the restriction requirement and the withdrawal of claims 1-1-5.

Claims 1-105 are withdrawn pursuant to the restriction requirement.

Claims 107-116 and 135 are cancelled without prejudice.

Claims 106, 121-122 and 136-142 are amended. Claim 106 is amended to better define over the cited art. Claim 135 is now combined with claim 106. Claims 121-122 are amended to better define the other plant matter that may be present with untreated rice hulls in the leaching mixture that produces the claimed product. Claims 136-142 are amended to be consistent with the amendment of claim 106.

Claims 161-162 are added to recite preferred times over which the leaching is continued to produce the claimed product. All amended claims are believed to be supported by paragraphs 0046-0066 of the specification as originally filed, and further supported by the evidence contained in the Declaration of Norman D. Hinman Under 37 C.F.R. 1.132 ("Hinman Declaration") that is filed concurrently with this paper.

Claims 106-160 are rejected as obvious and unpatentable under 103(a) over U.S. 4,591,492 to Tanaka, et al. and, independently, as obvious and unpatentable over U.S. 6,117,810 to Lee, et al. Applicants respectfully traverse these rejections and request that they be reconsidered and withdrawn in view of the amendments presented herein.

The Hinman Declaration, incorporated by reference herein, explains in great detail the product of the invention and the deficiencies of each of the cited references. Applicants believe that Examiner has not established a *prima facie* obviousness of the

invention as recited in the amended claims, and also traverses the averments made in the discussion section of the pending action as applied to the amended claims. Examiner has not addressed in the rejection any basis in the prior art for determining that the mole ratio of silica to carbon in the leached product is selectively controllable between about 2:1 and 5:1 or how that would be done. Query whether either of the cited references would teach one of skill in the art (another consideration not addressed in the action) sufficiently to enable him or her to make and use Applicant's claimed invention, or whether one of skill in the art would even proceed in that direction and why. Why would the claimed invention have been apparent from the cited references to one wanting to make high purity silicon-containing products? Would they have likely succeeded? Dr. Hinman, for one, believes not.

Examiner's comments regarding Tanaka and Lee do not address, for example, the differences between acids, temperature ranges, reaction times, devolatilization, pelletization, or subsequent carbothermal processing in the context of the resultant levels of individual and total impurities or silica to carbon ratios in the claimed products. That is what the invention is about.

Examiner has not established the relevancy of Lee to the claimed invention except to say that Lee discloses a carbon-silica powder comprising carbon, which is present with alumina in the pores, thereby purportedly suggesting to one of ordinary skill carbon as the dominant ingredient over silica in a greater than 1:1 ratio. Applicants disagree, and that rationale still fails to reach the invention claimed by applicant, which includes not only the leached product, but also silicon, silicon carbide, silicon nitride and silicon tetrachloride made from the leached product. Nor does the Examiner state how Lee renders obvious the reduced mineral and metal impurity levels or the devolatilized or pelletized products recited in Applicants' claims.

Applicants respectfully request that the rejections be withdrawn or that a more particular statement be presented as to how the two cited patents are each considered to render the amended claims obvious without the imposition of a final rejection.

Please charge the fee required for two additional dependent claims for a small entity to

Respectfully submitted,



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April 30, 2009
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